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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,029	12/02/2003	Marcel Meier	004501-755	4702

21839 7590 05/17/2007  
BUCHANAN, INGERSOLL & ROONEY PC  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER
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HANAN, DEVIN J

ART UNIT	PAPER NUMBER
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3745

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/725,029

Applicant(s)

MEIER ET AL.

Examiner

Devin Hanan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4,6,8-11,14,15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,10,11,14,15,19 and 20 is/are allowed.
- 6) ☒ Claim(s) 4,8,9,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see remarks, filed 3/5/2007, with respect to the rejection(s) of claim(s) 1-20 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of McEachern et al. (U.S. Patent 5,403,150).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 8-9, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by McEachern et al. (U.S. Patent 5,403,150).

McEachern et al. disclose a heat protection wall (fig 2, 60) for an exhaust gas turbine, the exhaust gas turbine having a turbine casing (76), a shaft (14) rotatably mounted in a bearing housing (40), and a turbine wheel (18) arranged on a shaft, and the heat protection wall defining with the turbine casing an inflow passage (passage originating from scroll 19 and partly defined by 60) leading to the turbine wheel, wherein the heat protection wall has means for centering (60 has hole 62 and protrusion 63) the

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turbine casing relative to the shaft, a first seating of the at least two seating being provided for resting on the bearing housing (60 rests on the area 70 of housing 40), and a second seating of the at least two seatings being provided for resting on the turbine casing (63 rests on 76);

wherein at least one of the first or second seatings is designed as an encircling edge (70 and the axially oriented annular walls next to 78 are all annular) which is provided for resting on the turbine casing;

wherein the first and second seatings are designed to be directed radially in the same direction (70 and the axially oriented annular walls next to 78 are all annular).

Regarding claim 8, McEachern et al. disclose all of the claimed limitations as discussed in claim 4 above and disclose one seating facing radially inwards (one of the axially extending annular walls next to 78 faces inwards).

Regarding claim 9, McEachern et al. disclose all of the claimed limitations as discussed in claim 4 above and disclose the seating is an encircling edge (the seating next to 78 is annular).

Regarding claim 17, McEachern et al. disclose all of the claimed limitations as discussed in claim 5 above and the heat protection wall has a higher CTE than the turbine casing (heat protection wall is made of Inconel 713LC, col. 3 line 25 and the housing is made of stainless steel, col. 3 line 39).

Regarding claim 18, McEachern et al. disclose all of the claimed limitations as discussed in claim 5 above.

***Allowable Subject Matter***

Claims 6, 10-11, 14-15 and 19-20 are allowed.

***Prior Art***

The patents to Johnston et al. (U.S. Patent 4,704,075) and Smale (U.S. Patent 4,02,149) are cited for their discussion of heat protection walls (92 and 44 respectively)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Hanan whose telephone number is 571-272-6089. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on 571-272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Devin Hanan  
Patent Examiner  
Art Unit 3745



EDWARD K. LOOK  
SUPERVISORY PATENT EXAMINER  
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5/14/07